

## REMARKS

There are now pending in this application claims 1-8, of which claims 1 and 5 are independent. Claims 9-13 have been cancelled without prejudice or waiver of their subject matter. No claims have been added.

In view of the above amendments and the following remarks, favorable reconsideration and allowance of the above application is respectfully sought.

Initially, Applicant submit herewith amendments to the Abstract to place it in proper form. Withdrawal of the objection thereto is respectfully sought.

Claims 9-12 were rejected under 35 U.S.C. § 101. As each of these claims has been cancelled, Applicant submits that the rejection is moot.

Claims 1-12 were objected to because of various informalities therein. Applicant submits that the amendments presented above to the claims clearly address and overcome those grounds of objection.

The invention as set forth in independent claim 1 is directed to an image forming apparatus having a plurality of paper feed units capable of setting index sheets. Index sheets, as defined in the specification, for example at page 3, lines 1-17, are tabbed sheets. The invention comprises a storage section which stores size information and index number information indicating the number of index sheets per set of paper sheets set in each paper feed unit in a case where index sheets are set in the plurality of paper feed units, and a control section which performs processing of automatically changing the paper feed unit to be used from a first paper feed unit to a second paper feed unit and does not perform processing of automatically changing the paper feed unit from the first paper feed unit to a third paper feed unit in a case

where index sheets set in the first paper unit are run out. The invention is characterized in that the size information and index number information of the first paper unit coincide with those of the second paper feed unit and do not coincide with those of the third paper feed unit.

Independent claim 5 is directed to a method of controlling an image forming apparatus having a plurality of paper feed units capable of setting index sheets. Claim 5 recites essentially the salient features of the invention as in claim 1 but is directed to the method.

Each of claims 1-8 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Dei et al. (U.S. Patent No. 4,763,889) in view of Yaginuma et al. (U.S. Patent No. 5,848,320). The rejections are respectfully traversed.

Applicant's invention is directed to an image forming apparatus and method which automatically switches from a paper feed unit (i.e., the first paper feed unit), another paper feed unit (i.e., a second paper feed unit). To be selected, the second paper feed unit must satisfy a condition that both a paper size and a number of index sheets per set of the sheets set on the second paper unit are the same as those on the first paper feed unit. A paper feed unit that does not satisfy these conditions is referred to as a third paper unit and is not selected.

As noted above, Applicant's invention is directed to the feeding of sheets with index portions. In this type of feeding, the heights of the index portions of the index sheets having different index numbers will be different. Thus, the positions of the index portions of the index sheets having different index numbers do not correspond to one another. Therefore, index sheets having different index numbers cannot be used together for a document to be printed using index sheets having an index number because character string and/or an image may inadvertently be printed on the index portion. The invention as recited in at least claims 1 and 5 prevents a

copying machine from using a different kind of index sheet for a document when index sheets set out in the first paper feed tray are exhausted.

Die et al. relates to a paper feeder for a copying machine having multiple paper cassettes and detectors for detecting whether the paper sheets are present or absent in each cassette. A CPU automatically changes from a cassette with no paper sheet to a cassette storing paper sheets of the same size and feeding direction.

Yaginuma et al. relates to a copying apparatus detecting protruding portions of an original sheet and copying an image of the original sheet onto the recording sheet if the protruding portion of the original sheet is detected.

Applicant respectfully submits that neither of the applied references teach or suggest the invention, whether taken individually or in combination. Die et al. fails to disclose index sheets. Yaginuma et al. discloses sheets having a protruding portion, such as an index sheet, and detection of the protruding portion. However, Yaginuma et al. does not disclose the index number or suggest the automatic changing process of the paper feed units upon the exhaustion of paper in the first paper feeding units. Indeed, as shown in Figure 13 of that reference, the index number of the index sheets on the cassette is determined in advance and thus Yaginuma et al. cannot teach or suggest changing index numbers of index sheets set on the paper cassettes.

In contrast to the applied references, in a case where index sheets set in the first paper feed unit are run out, Applicant's invention automatically changes the paper feed unit to be used from a first paper feed unit to a second paper feed unit wherein the size information and the index number information of the first paper unit coincides with those of the second paper feed

unit. Moreover, as recited in each of the independent claims, the apparatus does not perform the processing of automatically changing the paper feed unit from the first paper feed unit to a third paper feed unit when at least one of the size information and the index number information of the first paper unit does not coincide with those of the third paper feed unit.

For the foregoing reasons, Applicant respectfully submits that each of independent claims 1 and 5 is distinguishable from the applied art of record.

The remaining claims in the above application are dependent claims which depend either directly or indirectly from either claim 1 or claim 5 and are therefore patentable over the art of record for reasons noted above with respect to the claims 1 and 5. In addition, each recite features of the invention still further distinguishing it from the applied art. Favorable and independent consideration thereof is respectfully sought.

Applicant respectfully submits that all outstanding matters in the above application have been addressed and that this application is in condition for allowance. Favorable reconsideration and early passage to issue of the above application is respectfully sought.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

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